



General Assembly

Substitute Bill No. 5433

January Session, 2011

* _____HB05433HS_ED_031811_____*

**AN ACT CONCERNING REPORTS OF CHILD ABUSE AND NEGLECT
AND THE RESPONSE OF SCHOOL DISTRICTS, THE DEPARTMENT
OF EDUCATION AND THE DEPARTMENT OF CHILDREN AND
FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) Each local and regional board of education shall (1) require each
4 applicant for a position in a public school to state whether such person
5 has ever been convicted of a crime or whether criminal charges are
6 pending against such person at the time of such person's application,
7 (2) require each applicant for a position in a public school to submit to
8 a check of the Department of Children and Families child abuse and
9 neglect registry established pursuant to section 17a-101k before such
10 applicant may be hired by such board, (3) require, subject to the
11 provisions of subsection (d) of this section, each person hired by the
12 board after July 1, 1994, to submit to state and national criminal history
13 records checks within thirty days from the date of employment and
14 may require, subject to the provisions of subsection (d) of this section,
15 any person hired prior to said date to submit to state and national
16 criminal history records checks, and [(3)] (4) require each worker (A)
17 placed within a school under a public assistance employment
18 program, (B) employed by a provider of supplemental services

19 pursuant to the No Child Left Behind Act, P.L. 107-110, or (C) on and
20 after July 1, 2010, in a nonpaid, noncertified position completing
21 preparation requirements for the issuance of an educator certificate
22 pursuant to chapter 166, who performs a service involving direct
23 student contact to submit to state and national criminal history records
24 checks within thirty days from the date such worker begins to perform
25 such service. The criminal history records checks required by this
26 subsection shall be conducted in accordance with section 29-17a. If the
27 local or regional board of education receives notice of a conviction of a
28 crime which has not previously been disclosed by such person to the
29 board, the board may (i) terminate the contract of a certified employee,
30 in accordance with the provisions of section 10-151, and (ii) dismiss a
31 noncertified employee provided such employee is notified of the
32 reason for such dismissal, is provided the opportunity to file with the
33 board, in writing, any proper answer to such criminal conviction and a
34 copy of the notice of such criminal conviction, the answer and the
35 dismissal order are made a part of the records of the board. In
36 addition, if the local or regional board of education receives notice of a
37 conviction of a crime by a person (I) holding a certificate, authorization
38 or permit issued by the State Board of Education, (II) employed by a
39 provider of supplemental services, or (III) on and after July 1, 2010, in a
40 nonpaid, noncertified position completing preparation requirements
41 for the issuance of an educator certificate pursuant to chapter 166, the
42 local or regional board of education shall send such notice to the State
43 Board of Education. The supervisory agent of a private school may
44 require any applicant for a position in such school or any employee of
45 such school to submit to state and national criminal history records
46 checks in accordance with the procedures described in this subsection.

47 (b) If a local or regional board of education, endowed or
48 incorporated academy approved by the State Board of Education
49 pursuant to section 10-34, or special education facility approved by the
50 State Board of Education pursuant to section 10-76d requests, a
51 regional educational service center shall arrange for the fingerprinting
52 of any person required to submit to state and national criminal history

53 records checks pursuant to this section or for conducting any other
54 method of positive identification required by the State Police Bureau of
55 Identification or the Federal Bureau of Investigation and shall forward
56 such fingerprints or other positive identifying information to the State
57 Police Bureau of Identification which shall conduct criminal history
58 records checks in accordance with section 29-17a. Such regional
59 educational service centers shall provide the results of such checks to
60 such local or regional board of education, endowed or incorporated
61 academy or special education facility. Such regional educational
62 service centers shall provide such results to any other local or regional
63 board of education or regional educational service center upon the
64 request of such person.

65 (c) State and national criminal history records checks for substitute
66 teachers completed within one year prior to the date of employment
67 with a local or regional board of education and submitted to the
68 employing board of education shall meet the requirements of
69 subdivision [(2)] (3) of subsection (a) of this section. A local or regional
70 board of education shall not require substitute teachers to submit to
71 state and national criminal history records checks pursuant to
72 subdivision [(2)] (3) of subsection (a) of this section if they are
73 continuously employed by such local or regional board of education.
74 For purposes of this section, substitute teachers shall be deemed to be
75 continuously employed by a local or regional board of education if
76 they are employed at least one day of each school year by such local or
77 regional board of education.

78 (d) (1) The provisions of this section shall not apply to a person
79 required to submit to a criminal history records check pursuant to the
80 provisions of subsection [(d)] (e) of section 14-44.

81 (2) The provisions of this section shall not apply to a student
82 employed by the local or regional school district in which the student
83 attends school.

84 (3) The provisions of subsection (a) of this section requiring state

85 and national criminal history records checks shall, at the discretion of a
86 local or regional board of education, apply to a person employed by a
87 local or regional board of education as a teacher for a noncredit adult
88 class or adult education activity, as defined in section 10-67, who is not
89 required to hold a teaching certificate pursuant to section 10-145b for
90 his or her position.

91 (e) The State Board of Education shall submit, periodically, a
92 database of applicants for an initial issuance of certificate,
93 authorization or permit pursuant to sections 10-144o to 10-149,
94 inclusive, to the State Police Bureau of Identification. The State Police
95 Bureau of Identification shall conduct a state criminal history records
96 check against such database and notify the State Board of Education of
97 any such applicant who has a criminal conviction. The State Board of
98 Education shall not issue a certificate, authorization or permit until it
99 receives and evaluates the results of such check and may deny an
100 application in accordance with the provisions of subsection (j) of
101 section 10-145b.

102 (f) The State Board of Education shall submit, periodically, a
103 database of all persons who hold certificates, authorizations or permits
104 to the State Police Bureau of Identification. The State Police Bureau of
105 Identification shall conduct a state criminal history records check
106 against such database and shall notify the State Board of Education of
107 any such person who has a criminal conviction. The State Board of
108 Education may revoke the certificate, authorization or permit of such
109 person in accordance with the provisions of subsection (j) of section 10-
110 145b.

111 (g) The State Board of Education shall require each applicant
112 seeking an initial issuance or renewal of a certificate, authorization or
113 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a
114 check of the Department of Children and Families child abuse and
115 neglect registry established pursuant to section 17a-101k. If notification
116 is received that the applicant is listed as a perpetrator of abuse or
117 neglect on the Department of Children and Families child abuse and

118 neglect registry, the board shall deny an application for the certificate,
119 authorization or permit in accordance with the provisions of
120 subsection (j) of section 10-145b or revoke the certificate, authorization
121 or permit in accordance with the provisions of subsection (j) of section
122 10-145b.

123 Sec. 2. Subsection (f) of section 17a-28 of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective July*
125 *1, 2011*):

126 (f) The commissioner or the commissioner's designee shall, upon
127 request, promptly provide copies of records, without the consent of a
128 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
129 or the Chief State's Attorney's designee, or a state's attorney for the
130 judicial district in which the child resides or in which the alleged abuse
131 or neglect occurred, or the state's attorney's designee, for purposes of
132 investigating or prosecuting an allegation of child abuse or neglect, (3)
133 the attorney appointed to represent a child in any court in litigation
134 affecting the best interests of the child, (4) a guardian ad litem
135 appointed to represent a child in any court in litigation affecting the
136 best interests of the child, (5) the Department of Public Health, in
137 connection with: (A) Licensure of any person to care for children for
138 the purposes of determining the suitability of such person for
139 licensure, subject to the provisions of sections 17a-101g, as amended by
140 this act, and 17a-101k, or (B) an investigation conducted pursuant to
141 section 19a-80f, (6) any state agency which licenses such person to
142 educate or care for children pursuant to section 10-145b or 17a-101j,
143 subject to the provisions of sections 17a-101g, as amended by this act,
144 and 17a-101k concerning nondisclosure of findings of responsibility for
145 abuse and neglect, (7) the Governor, when requested in writing, in the
146 course of the Governor's official functions or the Legislative Program
147 Review and Investigations Committee, the joint standing committee of
148 the General Assembly having cognizance of matters relating to the
149 judiciary and the select committee of the General Assembly having
150 cognizance of matters relating to children when requested in the

151 course of said committees' official functions in writing, and upon a
152 majority vote of said committee, provided no names or other
153 identifying information shall be disclosed unless it is essential to the
154 legislative or gubernatorial purpose, (8) a local or regional board of
155 education, provided the records are limited to (A) educational records
156 created or obtained by the state or Connecticut-Unified School District
157 #2, established pursuant to section 17a-37, or (B) a check of the state's
158 child abuse and neglect registry established pursuant to section 17a-
159 101k, subject to the provisions of sections 17a-101g, as amended by this
160 act, and 17a-101k concerning nondisclosure of findings of
161 responsibility for abuse and neglect, (9) a party in a custody
162 proceeding under section 17a-112 or 46b-129, in the Superior Court
163 where such records concern a child who is the subject of the
164 proceeding or the parent of such child, (10) the Chief Child Protection
165 Attorney, or his or her designee, for purposes of ensuring competent
166 representation by the attorneys whom the Chief Child Protection
167 Attorney contracts with to provide legal and guardian ad litem
168 services to the subjects of such records and to ensure accurate
169 payments for services rendered by such contract attorneys, (11) the
170 Department of Motor Vehicles, for purposes of checking the state's
171 child abuse and neglect registry pursuant to subsection (e) of section
172 14-44, and (12) a judge of the Superior Court and all necessary parties
173 in a family violence proceeding when such records concern family
174 violence with respect to the child who is the subject of the proceeding
175 or the parent of such child who is the subject of the proceeding. A
176 disclosure under this section shall be made of any part of a record,
177 whether or not created by the department, provided no confidential
178 record of the Superior Court shall be disclosed other than the petition
179 and any affidavits filed therewith in the superior court for juvenile
180 matters, except upon an order of a judge of the Superior Court for
181 good cause shown. The commissioner shall also disclose the name of
182 any individual who cooperates with an investigation of a report of
183 child abuse or neglect to such law enforcement agency or state's
184 attorney for purposes of investigating or prosecuting an allegation of
185 child abuse or neglect. The commissioner or the commissioner's

186 designee shall, upon request, subject to the provisions of sections 17a-
187 101g, as amended by this act, and 17a-101k, promptly provide copies
188 of records, without the consent of the person, to (A) the Department of
189 Public Health for the purpose of determining the suitability of a person
190 to care for children in a facility licensed under sections 19a-77 to 19a-
191 80, inclusive, 19a-82 to 19a-87, inclusive, and 19a-87b, [and] (B) the
192 Department of Social Services for determining the suitability of a
193 person for any payment from the department for providing child care,
194 and (C) the superintendent of any school district for the purpose of
195 determining the suitability of a person to be employed by such school
196 district.

197 Sec. 3. Section 17a-101 of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective July 1, 2011*):

199 (a) The public policy of this state is: To protect children whose
200 health and welfare may be adversely affected through injury and
201 neglect; to strengthen the family and to make the home safe for
202 children by enhancing the parental capacity for good child care; to
203 provide a temporary or permanent nurturing and safe environment for
204 children when necessary; and for these purposes to require the
205 reporting of suspected child abuse or neglect, investigation of such
206 reports by a social agency, and provision of services, where needed, to
207 such child and family.

208 (b) The following persons shall be mandated reporters: Any
209 physician or surgeon licensed under the provisions of chapter 370, any
210 resident physician or intern in any hospital in this state, whether or not
211 so licensed, any registered nurse, licensed practical nurse, medical
212 examiner, dentist, dental hygienist, psychologist, [coach of intramural
213 or interscholastic athletics, school superintendent, school teacher,
214 school principal, school guidance counselor, school paraprofessional,
215 school coach] a school employee, as defined in section 53a-65, social
216 worker, police officer, juvenile or adult probation officer, juvenile or
217 adult parole officer, member of the clergy, pharmacist, physical
218 therapist, optometrist, chiropractor, podiatrist, mental health

219 professional or physician assistant, any person who is a licensed or
220 certified emergency medical services provider, any person who is a
221 licensed or certified alcohol and drug counselor, any person who is a
222 licensed marital and family therapist, any person who is a sexual
223 assault counselor or a battered women's counselor as defined in
224 section 52-146k, any person who is a licensed professional counselor,
225 any person who is a licensed foster parent, any person paid to care for
226 a child in any public or private facility, child day care center, group
227 day care home or family day care home licensed by the state, any
228 employee of the Department of Children and Families, any employee
229 of the Department of Public Health who is responsible for the licensing
230 of child day care centers, group day care homes, family day care
231 homes or youth camps, the Child Advocate and any employee of the
232 Office of the Child Advocate and any family relations counselor,
233 family relations counselor trainee or family services supervisor
234 employed by the Judicial Department.

235 (c) The Commissioner of Children and Families shall develop an
236 educational training program and refresher training program for the
237 accurate and prompt identification and reporting of child abuse and
238 neglect. Such training program and refresher training program shall be
239 made available to all persons mandated to report child abuse and
240 neglect at various times and locations throughout the state as
241 determined by the Commissioner of Children and Families. Such
242 training program shall be provided to all new school employees, as
243 defined in section 53a-65, prior to the start of the school year.

244 (d) Any mandated reporter, as defined in subsection (b) of this
245 section, who fails to report to the Commissioner of Children and
246 Families pursuant to section 17a-101a, as amended by this act, shall be
247 required to participate in an educational and training program
248 established by the commissioner. The program may be provided by
249 one or more private organizations approved by the commissioner,
250 provided the entire costs of the program shall be paid from fees
251 charged to the participants, the amount of which shall be subject to the

252 approval of the commissioner.

253 (e) On or before October 1, 2011, the Department of Children and
254 Families, in consultation with the Department of Education, shall
255 develop a model mandated reporting policy for use by local and
256 regional boards of education. Such policy shall set forth applicable
257 state law regarding mandated reporting and any relevant information
258 that may assist school districts in the performance of mandated
259 reporting. Such policy shall include, but not be limited to, the
260 following information: (1) Those persons employed by the local or
261 regional board of education who are required pursuant to this section
262 to be mandated reporters, (2) the type of information that is to be
263 reported, (3) the time frame for both written and verbal mandated
264 reports, (4) a statement that the school district may conduct its own
265 investigation into an allegation of abuse or neglect by a school
266 employee, provided such investigation does not impede an
267 investigation by the Department of Children and Families, and (5) a
268 statement that retaliation against mandated reporters is prohibited.
269 Such policy shall be updated and revised as necessary.

270 Sec. 4. Section 17a-101i of the general statutes is repealed and the
271 following is substituted in lieu thereof (*Effective July 1, 2011*):

272 (a) Notwithstanding any provision of the general statutes, after [an
273 investigation has been completed and] the Commissioner of Children
274 and Families [, based upon the results of the investigation, has
275 reasonable cause to believe] has completed an investigation into an
276 allegation that a child has been abused or neglected by a school
277 employee, as defined in section 53a-65, who has been entrusted with
278 the care of a child and who holds a certificate, permit or authorization
279 issued by the State Board of Education, [and the commissioner has
280 recommended that such employee be placed on the child abuse and
281 neglect registry established pursuant to section 17a-101k,] the
282 commissioner shall, not later than five working days after [such
283 finding] completing such investigation, notify the employing
284 superintendent and the Commissioner of Education of [such] the

285 Commissioner of Children and Families' finding and shall provide
286 records, whether or not created by the department, concerning such
287 investigation to the superintendent [who] and the Commissioner of
288 Education. The superintendent shall suspend such school employee if
289 the Commissioner of Children and Families finds, based on the results
290 of the investigation, that reasonable cause exists to believe that a child
291 has been abused or neglected by the school employee and the
292 commissioner recommends that such employee be placed on the
293 department's child abuse and neglect registry established pursuant to
294 section 17a-101k. The [commissioner] Commissioner of Children and
295 Families shall provide such notice whether or not the child was a
296 student in the employing school or school district. Such suspension
297 shall be with pay and shall not result in the diminution or termination
298 of benefits to such employee. [Within] Not later than seventy-two
299 hours after such suspension the superintendent shall notify the local or
300 regional board of education and the Commissioner of Education, or
301 the commissioner's representative, of the reasons for and conditions of
302 the suspension. The superintendent shall disclose such records to the
303 Commissioner of Education and the local or regional board of
304 education or its attorney for purposes of review of employment status
305 or the status of such employee's certificate, permit or authorization.
306 The suspension of a school employee employed in a position requiring
307 a certificate shall remain in effect until the board of education acts
308 pursuant to the provisions of section 10-151. If the contract of
309 employment of such certified school employee is terminated, or such
310 certified school employee resigns such employment, the
311 superintendent shall notify the Commissioner of Education, or the
312 commissioner's representative, within seventy-two hours after such
313 termination. Upon receipt of such notice from the [superintendent]
314 Commissioner of Children and Families, the Commissioner of
315 Education may commence certification revocation proceedings
316 pursuant to the provisions of subsection (j) of section 10-145b.
317 Notwithstanding the provisions of sections 1-210 and 1-211,
318 information received by the Commissioner of Education, or the
319 commissioner's representative, pursuant to this section shall be

320 confidential subject to regulations adopted by the State Board of
321 Education under section 10-145g.

322 (b) [After] Notwithstanding any provision of the general statutes,
323 not later than five working days after the Commissioner of Children
324 and Families has completed an investigation [has been completed and]
325 into an allegation of abuse or neglect by a staff member of a public or
326 private institution or facility providing care for children, the
327 commissioner shall notify the executive director of such institution or
328 facility and shall provide records, whether or not created by the
329 department concerning such investigation to the executive director. If
330 (1) the Commissioner of Children and Families finds, based upon the
331 results of the investigation, [has] that reasonable cause exists to believe
332 that a child has been abused or neglected by a staff member of [a
333 public or private] such institution or facility, [providing care for
334 children or private school, the commissioner shall notify the executive
335 director of such institution, school or facility and shall provide records,
336 whether or not created by the department concerning such
337 investigation to such executive director. Such] and (2) the
338 commissioner recommends that such staff member be placed on the
339 department's child abuse and neglect registry established pursuant to
340 section 17a-101k, such institution [, school] or facility [may] shall
341 suspend such staff person. Such suspension shall be with pay and shall
342 not result in diminution or termination of benefits to such [employee]
343 staff person. Such suspension shall remain in effect until the incident
344 of abuse or neglect has been satisfactorily resolved by the employer of
345 the staff person or until an appeal, conducted in accordance with
346 section 17a-101k, has resulted in a finding that such staff person is not
347 responsible for the abuse or neglect or does not pose a risk to the
348 health, safety or well-being of children. If such staff member has a
349 professional license or certificate issued by the state or a permit or
350 authorization issued by the State Board of Education or if such
351 institution or facility has a license or approval issued by the state, the
352 commissioner shall forthwith notify the state agency responsible for
353 issuing such license, certificate, permit, approval or authorization to

354 the staff member and provide records, whether or not created by the
355 department, concerning such investigation.

356 (c) If a school employee, as defined in section 53a-65, or any person
357 holding a certificate, permit or authorization issued by the State Board
358 of Education under the provisions of sections 10-144a to 10-149,
359 inclusive, is convicted of a crime involving an act of child abuse or
360 neglect as described in section 46b-120 or a violation of section 53-21,
361 53a-71 or 53a-73a, the state's attorney for the judicial district in which
362 the conviction occurred shall in writing notify the superintendent of
363 the school district or the supervisory agent of the nonpublic school in
364 which the person is employed and the Commissioner of Education of
365 such conviction.

366 (d) For the purposes of receiving and making reports, notifying and
367 receiving notification, or investigating, pursuant to the provisions of
368 sections 17a-101a to 17a-101h, inclusive, as amended by this act, and
369 17a-103, a superintendent of a school district or a supervisory agent of
370 a nonpublic school may assign a designee to act on such
371 superintendent's or agent's behalf.

372 (e) On or before February 1, [1997] 2012, each local and regional
373 board of education shall adopt a written policy, in accordance with the
374 provisions of subsection (e) of section 17a-101, as amended by this act,
375 regarding the reporting by school employees, as defined in section 53a-
376 65, of suspected child abuse in accordance with sections 17a-101a to
377 17a-101d, inclusive, as amended by this act, and 17a-103. Such policy
378 shall be distributed annually to all school employees employed by the
379 local or regional board of education. The local or regional board of
380 education shall document that all such school employees have
381 received such written policy and completed the training and refresher
382 training programs required by subsection (c) of section 17a-101, as
383 amended by this act.

384 (f) (1) On and after July 1, 2011, all school employees, as defined in
385 section 53a-65, hired by a local or regional board of education on or

386 after said date shall be required to complete the training program
387 developed pursuant to subsection (c) of section 17a-101, as amended
388 by this act. All such school employees shall complete the refresher
389 training program, developed pursuant to subsection (c) of section 17a-
390 101, as amended by this act, not later than three years after completion
391 of the initial training program, and shall thereafter retake such
392 refresher training course at least once every three years.

393 (2) On or before July 1, 2012, all school employees, as defined in
394 section 53a-65, hired by a local or regional board of education before
395 July 1, 2011, shall complete the refresher training program developed
396 pursuant to subsection (c) of section 17a-101, as amended by this act,
397 and shall thereafter retake such refresher training course at least once
398 every three years.

399 Sec. 5. Subsection (a) of section 10-220a of the general statutes is
400 repealed and the following is substituted in lieu thereof (*Effective July*
401 *1, 2011*):

402 (a) Each local or regional board of education shall provide an in-
403 service training program for its teachers, administrators and pupil
404 personnel who hold the initial educator, provisional educator or
405 professional educator certificate. Such program shall provide such
406 teachers, administrators and pupil personnel with information on (1)
407 the nature and the relationship of drugs, as defined in subdivision (17)
408 of section 21a-240, and alcohol to health and personality development,
409 and procedures for discouraging their abuse, (2) health and mental
410 health risk reduction education which includes, but need not be
411 limited to, the prevention of risk-taking behavior by children and the
412 relationship of such behavior to substance abuse, pregnancy, sexually
413 transmitted diseases, including HIV-infection and AIDS, as defined in
414 section 19a-581, violence, teen dating violence, domestic violence, child
415 abuse and youth suicide, (3) the growth and development of
416 exceptional children, including handicapped and gifted and talented
417 children and children who may require special education, including,
418 but not limited to, children with attention-deficit hyperactivity

419 disorder or learning disabilities, and methods for identifying, planning
420 for and working effectively with special needs children in a regular
421 classroom, (4) school violence prevention, conflict resolution and
422 prevention of bullying, as defined in subsection (a) of section 10-222d,
423 except that those boards of education that implement an evidence-
424 based model approach, consistent with subsection (d) of section 10-
425 145a, [subsection (a) of section 10-220a,] sections 10-222d, 10-222g and
426 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public
427 act 08-160, shall not be required to provide in-service training on
428 prevention of bullying, (5) cardiopulmonary resuscitation and other
429 emergency life saving procedures, (6) computer and other information
430 technology as applied to student learning and classroom instruction,
431 communications and data management, (7) the teaching of the
432 language arts, reading and reading readiness for teachers in grades
433 kindergarten to three, inclusive, [and] (8) second language acquisition
434 in districts required to provide a program of bilingual education
435 pursuant to section 10-17f, and (9) the requirements and obligations of
436 a mandated reporter. Each local and regional board of education may
437 allow any paraprofessional or noncertified employee to participate, on
438 a voluntary basis, in any in-service training program provided
439 pursuant to this section. The State Board of Education, within available
440 appropriations and utilizing available materials, shall assist and
441 encourage local and regional boards of education to include: (A)
442 Holocaust education and awareness; (B) the historical events
443 surrounding the Great Famine in Ireland; (C) African-American
444 history; (D) Puerto Rican history; (E) Native American history; (F)
445 personal financial management; (G) domestic violence and teen dating
446 violence; and (H) topics approved by the state board upon the request
447 of local or regional boards of education as part of in-service training
448 programs pursuant to this subsection.

449 Sec. 6. Section 10-220 of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective July 1, 2011*):

451 (a) Each local or regional board of education shall maintain good

452 public elementary and secondary schools, implement the educational
453 interests of the state as defined in section 10-4a and provide such other
454 educational activities as in its judgment will best serve the interests of
455 the school district; provided any board of education may secure such
456 opportunities in another school district in accordance with provisions
457 of the general statutes and shall give all the children of the school
458 district as nearly equal advantages as may be practicable; shall provide
459 an appropriate learning environment for its students which includes
460 (1) adequate instructional books, supplies, materials, equipment,
461 staffing, facilities and technology, (2) equitable allocation of resources
462 among its schools, (3) proper maintenance of facilities, and (4) a safe
463 school setting; shall in accordance with the provisions of subsection (f)
464 of this section, maintain records of allegations, investigations and
465 reports that a child has been abused or neglected by a school
466 employee, as defined in section 53a-65, employed by the local or
467 regional board of education; shall have charge of the schools of its
468 respective school district; shall make a continuing study of the need for
469 school facilities and of a long-term school building program and from
470 time to time make recommendations based on such study to the town;
471 shall adopt and implement an indoor air quality program that
472 provides for ongoing maintenance and facility reviews necessary for
473 the maintenance and improvement of the indoor air quality of its
474 facilities; shall adopt and implement a green cleaning program,
475 pursuant to section 10-231g, that provides for the procurement and use
476 of environmentally preferable cleaning products in school buildings
477 and facilities; shall report biennially to the Commissioner of Education
478 on the condition of its facilities and the action taken to implement its
479 long-term school building program, indoor air quality program and
480 green cleaning program, which report the Commissioner of Education
481 shall use to prepare a biennial report that said commissioner shall
482 submit in accordance with section 11-4a to the joint standing
483 committee of the General Assembly having cognizance of matters
484 relating to education; shall advise the Commissioner of Education of
485 the relationship between any individual school building project
486 pursuant to chapter 173 and such long-term school building program;

487 shall have the care, maintenance and operation of buildings, lands,
488 apparatus and other property used for school purposes and at all times
489 shall insure all such buildings and all capital equipment contained
490 therein against loss in an amount not less than eighty per cent of
491 replacement cost; shall determine the number, age and qualifications
492 of the pupils to be admitted into each school; shall develop and
493 implement a written plan for minority staff recruitment for purposes
494 of subdivision (3) of section 10-4a; shall employ and dismiss the
495 teachers of the schools of such district subject to the provisions of
496 sections 10-151 and 10-158a; shall designate the schools which shall be
497 attended by the various children within the school district; shall make
498 such provisions as will enable each child of school age residing in the
499 district to attend some public day school for the period required by
500 law and provide for the transportation of children wherever
501 transportation is reasonable and desirable, and for such purpose may
502 make contracts covering periods of not more than five years; may
503 place in an alternative school program or other suitable educational
504 program a pupil enrolling in school who is nineteen years of age or
505 older and cannot acquire a sufficient number of credits for graduation
506 by age twenty-one; may arrange with the board of education of an
507 adjacent town for the instruction therein of such children as can attend
508 school in such adjacent town more conveniently; shall cause each child
509 five years of age and over and under eighteen years of age who is not a
510 high school graduate and is living in the school district to attend
511 school in accordance with the provisions of section 10-184, and shall
512 perform all acts required of it by the town or necessary to carry into
513 effect the powers and duties imposed by law.

514 (b) The board of education of each local or regional school district
515 shall, with the participation of parents, students, school administrators,
516 teachers, citizens, local elected officials and any other individuals or
517 groups such board shall deem appropriate, prepare a statement of
518 educational goals for such local or regional school district. The
519 statement of goals shall be consistent with state-wide goals pursuant to
520 subsection (c) of section 10-4. Each local or regional board of education

521 shall develop student objectives which relate directly to the statement
522 of educational goals prepared pursuant to this subsection and which
523 identify specific expectations for students in terms of skills, knowledge
524 and competence.

525 (c) Annually, each local and regional board of education shall
526 submit to the Commissioner of Education a strategic school profile
527 report for each school under its jurisdiction and for the school district
528 as a whole. The superintendent of each local and regional school
529 district shall present the profile report at the next regularly scheduled
530 public meeting of the board of education after each November first.
531 The profile report shall provide information on measures of (1) student
532 needs, (2) school resources, including technological resources and
533 utilization of such resources and infrastructure, (3) student and school
534 performance, including truancy, (4) the number of students enrolled in
535 an adult high school credit diploma program, pursuant to section 10-
536 69, operated by a local or regional board of education or a regional
537 educational service center, (5) equitable allocation of resources among
538 its schools, (6) reduction of racial, ethnic and economic isolation, and
539 (7) special education. For purposes of this subsection, measures of
540 special education include (A) special education identification rates by
541 disability, (B) rates at which special education students are exempted
542 from mastery testing pursuant to section 10-14q, (C) expenditures for
543 special education, including such expenditures as a percentage of total
544 expenditures, (D) achievement data for special education students, (E)
545 rates at which students identified as requiring special education are no
546 longer identified as requiring special education, (F) the availability of
547 supplemental educational services for students lacking basic
548 educational skills, (G) the amount of special education student
549 instructional time with nondisabled peers, (H) the number of students
550 placed out-of-district, and (I) the actions taken by the school district to
551 improve special education programs, as indicated by analyses of the
552 local data provided in subparagraphs (A) to (H), inclusive, of this
553 subdivision. The superintendent shall include in the narrative portion
554 of the report information about parental involvement and if the district

555 has taken measures to improve parental involvement, including, but
556 not limited to, employment of methods to engage parents in the
557 planning and improvement of school programs and methods to
558 increase support to parents working at home with their children on
559 learning activities. For purposes of this subsection, measures of
560 truancy include the type of data that is required to be collected by the
561 Department of Education regarding attendance and unexcused
562 absences in order for the department to comply with federal reporting
563 requirements. Such truancy data shall be considered a public record
564 for purposes of chapter 14.

565 (d) Prior to January 1, 2008, and every five years thereafter, for
566 every school building that is or has been constructed, extended,
567 renovated or replaced on or after January 1, 2003, a local or regional
568 board of education shall provide for a uniform inspection and
569 evaluation program of the indoor air quality within such buildings,
570 such as the Environmental Protection Agency's Indoor Air Quality
571 Tools for Schools Program. The inspection and evaluation program
572 shall include, but not be limited to, a review, inspection or evaluation
573 of the following: (1) The heating, ventilation and air conditioning
574 systems; (2) radon levels in the air; (3) potential for exposure to
575 microbiological airborne particles, including, but not limited to, fungi,
576 mold and bacteria; (4) chemical compounds of concern to indoor air
577 quality including, but not limited to, volatile organic compounds; (5)
578 the degree of pest infestation, including, but not limited to, insects and
579 rodents; (6) the degree of pesticide usage; (7) the presence of and the
580 plans for removal of any hazardous substances that are contained on
581 the list prepared pursuant to Section 302 of the federal Emergency
582 Planning and Community Right-to-Know Act, 42 USC 9601 et seq.; (8)
583 ventilation systems; (9) plumbing, including water distribution
584 systems, drainage systems and fixtures; (10) moisture incursion; (11)
585 the overall cleanliness of the facilities; (12) building structural
586 elements, including, but not limited to, roofing, basements or slabs;
587 (13) the use of space, particularly areas that were designed to be
588 unoccupied; and (14) the provision of indoor air quality maintenance

589 training for building staff. Local and regional boards of education
590 conducting evaluations pursuant to this subsection shall make
591 available for public inspection the results of the inspection and
592 evaluation at a regularly scheduled board of education meeting and on
593 the board's or each individual school's web site.

594 (e) Each local and regional board of education shall establish a
595 school district curriculum committee. The committee shall
596 recommend, develop, review and approve all curriculum for the local
597 or regional school district.

598 (f) Each local and regional board of education shall maintain in a
599 central location all records of allegations, investigations and reports
600 that a child has been abused or neglected by a school employee, as
601 defined in section 53a-65, employed by the local or regional board of
602 education, pursuant to sections 17a-101a to 17a-101d, inclusive, as
603 amended by this act, and section 17a-103. Such records shall include
604 any reports made to the Department of Children and Families. The
605 Department of Education shall have access to such records.

606 Sec. 7. (NEW) (*Effective July 1, 2011*) (a) If the Commissioner of
607 Children and Families suspects or knows that a mandated reporter, as
608 defined in section 17a-101 of the general statutes, as amended by this
609 act, employed by a local or regional board of education, has failed to
610 make a report that a child has been abused or neglected or placed in
611 immediate risk of serious harm within the time period prescribed in
612 sections 17a-101a to 17a-101d, inclusive, of the general statutes, as
613 amended by this act, and section 17a-103 of the general statutes, the
614 commissioner shall make a record of such delay and develop and
615 maintain a database of such records. The commissioner shall
616 investigate such delayed reporting. Such investigation shall be
617 conducted in accordance with the policy developed in subsection (b) of
618 this section, and include the actions taken by the employing local or
619 regional board of education or superintendent of schools for the
620 district in response to such employee's failure to report.

621 (b) The Department of Children and Families shall develop a policy
622 for the investigation of delayed reports by mandated reporters. Such
623 policy shall include, but not be limited to, when referrals to the
624 appropriate law enforcement agency for delayed reporting are
625 required and when the department shall require mandated reporters
626 who have been found to have delayed making a report to participate in
627 the educational and training program pursuant to subsection (d) of
628 section 17a-101 of the general statutes, as amended by this act.

629 Sec. 8. Section 17a-101a of the general statutes is repealed and the
630 following is substituted in lieu thereof (*Effective July 1, 2011*):

631 Any mandated reporter, as defined in section 17a-101, as amended
632 by this act, who in the ordinary course of such person's employment or
633 profession has reasonable cause to suspect or believe that any child
634 under the age of eighteen years (1) has been abused or neglected, as
635 defined in section 46b-120, (2) has had nonaccidental physical injury,
636 or injury which is at variance with the history given of such injury,
637 inflicted upon such child, or (3) is placed at imminent risk of serious
638 harm, shall report or cause a report to be made in accordance with the
639 provisions of sections 17a-101b to 17a-101d, inclusive, as amended by
640 this act. Any person required to report under the provisions of this
641 section who fails to make such report or fails to make such report
642 within the time period prescribed in sections 17a-101b to 17a-101d,
643 inclusive, as amended by this act, and section 17a-103 shall be fined
644 not less than five hundred dollars nor more than two thousand five
645 hundred dollars and shall be required to participate in an educational
646 and training program pursuant to subsection (d) of section 17a-101, as
647 amended by this act. The Commissioner of Children and Families or
648 the commissioner's designee shall promptly notify the Chief State's
649 Attorney when there is reason to believe that any such person has
650 failed to make a report in accordance with this section.

651 Sec. 9. Section 17a-101c of the general statutes is repealed and the
652 following is substituted in lieu thereof (*Effective July 1, 2011*):

653 [Within] Not later than forty-eight hours [of] after making an oral
654 report, a mandated reporter shall submit a written report to the
655 Commissioner of Children and Families or [his] the commissioner's
656 representative. When a mandated reporter is a member of the staff of a
657 public or private institution or facility that provides care for such child
658 or public or private school [he] the reporter shall also submit a copy of
659 the written report to the person in charge of such institution, school or
660 facility or the person's designee. In the case of a report concerning a
661 school employee holding a certificate, authorization or permit issued
662 by the State Board of Education under the provisions of sections 10-
663 144o to 10-146b, inclusive, and 10-149, a copy of the written report
664 shall also be sent by the [person in charge of such institution, school or
665 facility] Commissioner of Children and Families or the commissioner's
666 designee to the Commissioner of Education or [his] the Commissioner
667 of Education's representative. In the case of an employee of a facility or
668 institution that provides care for a child which is licensed by the state,
669 a copy of the written report shall also be sent by the [mandated
670 reporter] Commissioner of Children and Families to the executive head
671 of the state licensing agency.

672 Sec. 10. (NEW) (*Effective July 1, 2011*) When the Commissioner of
673 Children and Families receives a report from a person not designated
674 as a mandated reporter pursuant to section 17a-101 of the general
675 statutes, as amended by this act, that such person has reasonable cause
676 to suspect or believe that any child under the age of eighteen years (1)
677 has been abused or neglected, as defined in section 46b-120 of the
678 general statutes, (2) has had nonaccidental physical injury, or injury
679 which is at variance with the history given of such injury, inflicted
680 upon such child, or (3) is placed at imminent risk of serious harm by a
681 school employee, as defined in section 53a-65 of the general statutes,
682 holding a certificate, authorization or permit issued by the State Board
683 of Education under the provisions of sections 10-144o to 10-146b,
684 inclusive, of the general statutes and section 10-149 of the general
685 statutes, a copy of such report shall be sent by the Commissioner of
686 Children and Families to the Commissioner of Education.

687 Sec. 11. Subsection (d) of section 17a-101b of the general statutes is
688 repealed and the following is substituted in lieu thereof (*Effective July*
689 *1, 2011*):

690 (d) Whenever a mandated reporter, as defined in section 17a-101, as
691 amended by this act, has reasonable cause to suspect or believe that
692 any child has been abused or neglected by a member of the staff of a
693 public or private institution or facility that provides care for such child
694 or a public or private school, the mandated reporter shall report as
695 required in subsection (a) of this section. The Commissioner of
696 Children and Families or the commissioner's designee shall notify the
697 principal, headmaster, executive director or other person in charge of
698 such institution, facility or school, or the person's designee, unless such
699 person is the alleged perpetrator of the abuse or neglect of such child.
700 In the case of a public school, the commissioner shall also notify the
701 person's employing superintendent. Such person in charge, or such
702 person's designee, shall then immediately notify the child's parent or
703 other person responsible for the child's care that a report has been
704 made.

705 Sec. 12. (NEW) (*Effective July 1, 2011*) A local or regional board of
706 education shall provide the Commissioner of Children and Families
707 upon request and for the purposes of an investigation by the
708 commissioner of suspected child abuse or neglect by a teacher
709 employed by such board of education, any records maintained or kept
710 on file by such board of education. Such records shall include, but not
711 be limited to, supervisory records, reports of competence, personal
712 character and efficiency maintained in such teacher's personnel file
713 with reference to evaluation of performance as a professional
714 employee of such board of education, and records of the personal
715 misconduct of such teacher. For purposes of this section, "teacher"
716 includes each certified professional employee below the rank of
717 superintendent employed by a board of education in a position
718 requiring a certificate issued by the State Board of Education.

719 Sec. 13. (NEW) (*Effective July 1, 2011*) A local or regional board of

720 education shall permit and give priority to any investigation
721 conducted by the Commissioner of Children and Families or the
722 appropriate local law enforcement agency that a child has been abused
723 or neglected pursuant to sections 17a-101a to 17a-101d, inclusive, of the
724 general statutes, as amended by this act, and section 17a-103 of the
725 general statutes. Such board of education shall conduct its own
726 investigation and take any disciplinary action, in accordance with the
727 provisions of section 17a-101i of the general statutes, as amended by
728 this act, upon notice from the commissioner or the appropriate local
729 law enforcement agency that such board's investigation will not
730 interfere with the investigation of the commissioner or such local law
731 enforcement agency.

732 Sec. 14. (NEW) (*Effective July 1, 2011*) (a) The Department of
733 Children and Families shall conduct, at least annually, random quality
734 assurance reviews of reports and investigations that a child has been
735 abused or neglected by a school employee, as defined in section 53a-65
736 of the general statutes. If, as a result of such review, the department
737 discovers any issues in any report or investigation, the department
738 shall take any necessary action to correct or satisfy such problem or
739 issue. The department shall use such reviews to assess the quality and
740 conduct of such investigations.

741 (b) The Department of Children and Families shall review, at least
742 annually, with the Department of Education all records and
743 information relating to reports and investigations that a child has been
744 abused and neglected by a school employee, as defined in section 53a-
745 65 of the general statutes, in the departments' possession to ensure that
746 records and information are being shared properly. The departments
747 shall address and correct any omissions or other problems in the
748 records and information-sharing process of the departments.

749 Sec. 15. Section 17a-101d of the general statutes is repealed and the
750 following is substituted in lieu thereof (*Effective July 1, 2011*):

751 All oral and written reports required in sections 17a-101a to 17a-

752 101c, inclusive, as amended by this act, and section 17a-103, shall
753 contain, if known: (1) The names and addresses of the child and his
754 parents or other person responsible for his care; (2) the age of the child;
755 (3) the gender of the child; (4) the nature and extent of the child's
756 injury or injuries, maltreatment or neglect; (5) the approximate date
757 and time the injury or injuries, maltreatment or neglect occurred; (6)
758 information concerning any previous injury or injuries to, or
759 maltreatment or neglect of, the child or his siblings; (7) the
760 circumstances in which the injury or injuries, maltreatment or neglect
761 came to be known to the reporter; (8) the name of the person or
762 persons suspected to be responsible for causing such injury or injuries,
763 maltreatment or neglect; (9) the reasons such person or persons are
764 suspected of causing such injury or injuries, maltreatment or neglect;
765 (10) any information concerning any prior cases in which such person
766 or persons have been suspected of causing an injury, maltreatment or
767 neglect of a child; and [(9)] (11) whatever action, if any, was taken to
768 treat, provide shelter or otherwise assist the child.

769 Sec. 16. Subsection (a) of section 17a-101g of the general statutes is
770 repealed and the following is substituted in lieu thereof (*Effective July*
771 *1, 2011*):

772 (a) Upon receiving a report of child abuse or neglect, as provided in
773 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
774 section 17a-103, in which the alleged perpetrator is (1) a person
775 responsible for such child's health, welfare or care, (2) a person given
776 access to such child by such responsible person, or (3) a person
777 entrusted with the care of a child, the Commissioner of Children and
778 Families, or the commissioner's designee, shall cause the report to be
779 classified and evaluated immediately. If the report contains sufficient
780 information to warrant an investigation, the commissioner shall make
781 the commissioner's best efforts to commence an investigation of a
782 report concerning an imminent risk of physical harm to a child or other
783 emergency within two hours of receipt of the report and shall
784 commence an investigation of all other reports within seventy-two

785 hours of receipt of the report. If the alleged perpetrator is a school
786 employee, as defined in section 53a-65, or is employed by an
787 institution or facility licensed or approved by the state to provide care
788 for children, the department shall notify the Department of Education
789 or the state agency that has issued such license or approval to the
790 institution or facility of the report and the commencement of an
791 investigation by the Commissioner of Children and Families. The
792 department shall complete any such investigation not later than forty-
793 five calendar days after the date of receipt of the report. If the report is
794 a report of child abuse or neglect in which the alleged perpetrator is
795 not a person specified in subdivision (1), (2) or (3) of this subsection,
796 the Commissioner of Children and Families shall refer the report to the
797 appropriate local law enforcement authority for the town in which the
798 child resides or in which the alleged abuse or neglect occurred.

799 Sec. 17. Section 17a-101h of the general statutes is repealed and the
800 following is substituted in lieu thereof (*Effective July 1, 2011*):

801 Notwithstanding any provision of the general statutes, [to the
802 contrary,] any person authorized to conduct an investigation of abuse
803 or neglect shall coordinate investigatory activities in order to minimize
804 the number of interviews of any child and share information with
805 other persons authorized to conduct an investigation of child abuse or
806 neglect, as appropriate. A person reporting child abuse or neglect shall
807 provide any person authorized to conduct an investigation of child
808 abuse or neglect with all information related to the investigation that is
809 in the possession or control of the person reporting child abuse or
810 neglect, except as expressly prohibited by state or federal law. The
811 commissioner shall obtain the consent of parents or guardians or other
812 persons responsible for the care of the child to any interview with a
813 child, except that such consent shall not be required when the
814 department has reason to believe such parent or guardian or other
815 person responsible for the care of the child or member of the child's
816 household is the perpetrator of the alleged abuse. If consent is not
817 required to conduct the interview, such interview shall be conducted

818 in the presence of a disinterested adult unless immediate access to the
 819 child is necessary to protect the child from imminent risk of physical
 820 harm and a disinterested adult is not available after reasonable search.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10-221d
Sec. 2	<i>July 1, 2011</i>	17a-28(f)
Sec. 3	<i>July 1, 2011</i>	17a-101
Sec. 4	<i>July 1, 2011</i>	17a-101i
Sec. 5	<i>July 1, 2011</i>	10-220a(a)
Sec. 6	<i>July 1, 2011</i>	10-220
Sec. 7	<i>July 1, 2011</i>	New section
Sec. 8	<i>July 1, 2011</i>	17a-101a
Sec. 9	<i>July 1, 2011</i>	17a-101c
Sec. 10	<i>July 1, 2011</i>	New section
Sec. 11	<i>July 1, 2011</i>	17a-101b(d)
Sec. 12	<i>July 1, 2011</i>	New section
Sec. 13	<i>July 1, 2011</i>	New section
Sec. 14	<i>July 1, 2011</i>	New section
Sec. 15	<i>July 1, 2011</i>	17a-101d
Sec. 16	<i>July 1, 2011</i>	17a-101g(a)
Sec. 17	<i>July 1, 2011</i>	17a-101h

HS

Joint Favorable Subst. C/R

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